

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

PEDRO DURAN ALIX,)	
)	
Petitioner,)	
v.)	CIVIL ACTION
)	NO. 17-10619-PBS
RAYMOND MARCHILLI,)	
)	
Respondent.)	

**REPORT AND RECOMMENDATION ON
PETITION FOR WRIT OF HABEAS CORPUS**

August 7, 2019

DEIN, U.S.M.J.

I. INTRODUCTION

In December 2013, the petitioner, Pedro Alix ("Alix" or "defendant" or "petitioner"), was convicted in Salem Superior Court of possession with intent to distribute heroin, subsequent offense, in violation of Mass. Gen. Laws ch. 94C, § 32(b), and of committing a drug violation within 300 feet of a school or park, in violation of Mass. Gen. Laws ch. 94C, § 32J. His conviction was affirmed by the Massachusetts Appeals Court ("MAC") in an unpublished decision dated December 1, 2015. Commonwealth v. Alix, No. 14-P-1602, 88 Mass. App. Ct. 1114, 41 N.E.3d 330, 2015 WL 7723421 (Dec. 1, 2015) (table) (Alix I). His application for leave to obtain further appellate review ("ALOFAR") was denied by the Massachusetts Supreme Judicial Court ("SJC") on January 27, 2016. Commonwealth v. Alix, 473 Mass. 1108, 44 N.E.3d 861 (Jan. 27, 2016) (table). Alix is now serving a state prison sentence of 5 -7 years on count one and 2½ - 5 years on count two, to be served consecutively.

9/4/19 I adopt the
report and recommendation
without objection
and deny the petition.
John B. Sarno